

IN THE DISTRICT COURT OF THE UNITED STATES

For the Western District of New York

November 2008 GRAND JURY
(Empaneled 11/07/08)

THE UNITED STATES OF AMERICA

-vs-

INDICTMENT

**MARIO KELLY,
NATE RICHARDSON, and
JOSEPH ANDERSON**

Violations:

Title 18, United States
Code, Sections 922(g)(1)
and 922(k)

COUNT 1

The Grand Jury Charges:

On or about September 30, 2008, in the Western District of New York, the defendant, MARIO KELLY, having previously been convicted on or about the 22nd day of July 2003, in County Court, Erie County, New York, of a crime punishable by imprisonment for a term exceeding one year, unlawfully did knowingly possess, in and affecting commerce, a firearm, namely, a Hi Point 9mm semiautomatic pistol, Model C9, serial number P103869.

**All in violation of Title 18, United States Code, Sections
922(g)(1) and 924(a)(2).**

COUNT 2

The Grand Jury Further Charges:

On or about January 20, 2009, in the Western District of New York, the defendant, MARIO KELLY, having previously been convicted on or about the 22nd day of July 2003, in County Court, Erie County, New York, of a crime punishable by imprisonment for a term exceeding one year, unlawfully did knowingly possess, in and affecting commerce, a firearm, namely, a Hi Point 9mm semiautomatic pistol with an obliterated serial number.

All in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 2.

COUNT 3

The Grand Jury Further Charges:

On or about January 20, 2009, in the Western District of New York, the defendant, NATE RICHARDSON, having previously been convicted on or about the 8th day of December 2004, in County Court, Erie County, New York, of a crime punishable by imprisonment for a term exceeding one year, unlawfully did knowingly possess, in and affecting commerce, a firearm, namely, a Hi Point 9mm semiautomatic pistol with an obliterated serial number.

All in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 2.

COUNT 4

The Grand Jury Further Charges:

On or about January 20, 2009, in the Western District of New York, the defendant, JOSEPH ANDERSON, having previously been convicted on or about the 29th day of July 2003, in County Court, Erie County, New York, of a crime punishable by imprisonment for a term exceeding one year, unlawfully did knowingly possess, in and affecting commerce, a firearm, namely, a Hi Point 9mm semiautomatic pistol with an obliterated serial number.

All in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 2.

COUNT 5

The Grand Jury Further Charges:

On or about January 20, 2009, in the Western District of New York, the defendants, MARIO KELLY, NATE RICHARDSON and JOSEPH ANDERSON, did knowingly and unlawfully possess a firearm, namely, a Hi Point, 9mm semiautomatic pistol, from which the manufacturer's serial number had been removed, obliterated and altered and which had been shipped and transported in interstate commerce.

All in violation of Title 18, United States Code, Sections 922(k), 924(a)(1)(B), and 2.

COUNT 6

The Grand Jury Further Charges:

Forfeiture Allegation

As a result of their convictions of Count 1, 2, 3, 4 or 5 of this Indictment, the defendants, MARIO KELLY, NATE RICHARDSON and JOSEPH ANDERSON, shall forfeit to the United States their interest in any firearms and ammunition involved or used in the commission of the offense, or found in the possession or under the immediate control of the defendants at the time of arrest, including, but not limited to:

(a) a Hi Point, 9mm semiautomatic pistol, Model C9, bearing serial number P103869 and ammunition;

(b) a Hi Point, 9mm semiautomatic pistol and ammunition.

All pursuant to the provisions of Title 18, United States Code, Sections 924(d) and 3665 and Title 28, United States Code, Section 2461(c).

DATED: Buffalo, New York, February 10, 2009.

KATHLEEN M. MEHLTRETTER
Acting United States Attorney

S/JOSEPH M. TRIPI
By: JOSEPH M. TRIPI
Assistant United States Attorney
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A TRUE BILL:

S/FOREPERSON
FOREPERSON